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AMANDA E. BEAL
COMMISSIONER

**TESTIMONY BEFORE THE JOINT COMMITTEE ON
AGRICULTURE, CONSERVATION, AND FORESTRY**
Support
An Act To Increase Consumption of Maine Foods in State Institutions

Senator Dill, Representative Hickman and members of the committee, my name is Leigh Hallett, and I am the Director of the Agricultural Resource Development Division at the Bureau of Agriculture, Food, and Rural Resources of the Department of Agriculture, Conservation and Forestry.

The Department supports the concept of LD 1167 "An Act to Increase Consumption of Maine Foods in State Institutions" and can address many of the goals set for in the bill by utilizing the upcoming rulemaking process for LD 1584.

Background

In the 128th legislative session LD 1584 An Act to Expand the Local Foods Economy by Promoting Local Foods Procurement" was passed into public law. This law requires that state-funded institutions source 20% of their food locally by 2025.

Since there are no inherent incentives nor penalties for institutions in LD 1584, we have envisioned an open, collaborative process for developing the program. Sharing information about the goals of the program and engaging stakeholders throughout the process seems the best way to encourage participation and enthusiasm.

Rulemaking

The public law tasks the Department with adopting rules, including defining "local foods" and "local foods providers" and "establishing a method and baseline to determine the percentage of local foods or food products procured by state institutions based on dollars spent."

The Department is starting the major substantive rulemaking process this spring. The public process will allow us to learn more about the opportunities and challenges for producers, wholesalers, and institutional buyers.

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Quality and Standard Considerations

1. Quality and standards would be addressed in a purchasing process. Bureau of General Services, Division of Procurement Services would be the lead in the purchasing process. It's our understanding in corresponding with them they don't currently have the staffing resources to implement and track foodstuffs purchased or participate in the proposed advisory committee.
2. Quality Assurance and Regulation can verify that a vendor has a license to process and/or produce foodstuffs if that licensure falls under the QAR purview. QAR can and will investigate disputes regarding origin of product(s) or an allegation of misbranding or fraud regarding origin. In the event of a "quality" dispute, QAR will determine whether the product in question was produced under inspection and/or whether the vendor holds certain quality certifications (GAP/GHP, Harmonized GAP, GAP Plus, successful FSMA audit, other). "Quality" disputes not resolved through QAR actions would be referred to the Consumer Division of the Office of the Maine Attorney General. QAR does not have any legal authority to rule on consumer complaints, but we can mediate between parties.
3. The University of Maine has set a strong example of what is possible for institutional buyers, surpassing its local food procurement law ahead of schedule. Their policy is to "allow reasonable preference when feasible for food goods produced sustainably, in a manner that minimizes transportation to the consuming location, or with other such environmental attributes or advantages as may be available in the marketplace, while balancing those benefits against price and other considerations." It is also worth considering the university's definition of "local," which includes anything grown or produced within 175 miles of any of its campuses. This definition of "local" allows purchasers to consider the environmental impact of purchases.

Waiting to make significant changes until after completion of the public rulemaking process For LD 1584 before implementing language proposed in LD 1167 would allow the department to take into consideration language changes brought forth by producers, wholesalers, and institutional buyers in developing definitions, goals and implementation schedule to ensure that state institutions meet and even surpass the local food procurement goals.